

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT  
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)

AUS920010596 US1

First named inventor: Margaret Gardner McPhailApplication No.: 10/042,107Art Unit: 2161Filed: 01/08/2002Examiner: CAM LINHT NGUYENTitle: A Network Database System For Providing Database Output  
IN A Plurality of Strings of Sequential Data Segments Through  
A User Interface with Dimensions Limiting the Data Capacity of  
Each Segment

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (571) 273-8300

NOTE: If information or assistance is needed in completing this form, please contact Petitions  
Information at (571) 272-3282.The above-identified application became abandoned for failure to file a timely and proper reply to a notice or  
action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration  
date of the period set for reply in the office notice or action plus an extensions of time actually obtained.**APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION**

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications  
filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

## 1. Petition fee

☐ Small entity-fee \$ \_\_\_\_\_ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m)) Please Charge this Fee  
and any additional fee to PTO Deposit Account 09-0447

## 2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in  
the form of Corrected Appeal Brief (identify type of reply):

- ☐ has been filed previously on \_\_\_\_\_
- ☒ is enclosed herewith.

B. The issue fee and publication fee (if applicable) of \$ \_\_\_\_\_

- ☐ has been paid previously on \_\_\_\_\_
- ☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

3. Terminal disclaimer with disclaimer fee

☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.

☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ \_\_\_\_\_ for a small entity or \$ \_\_\_\_\_ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).] *Please see Attached Statement of*

**WARNING:**

Petitioner/applicant is cautioned to avoid submitting personal information in documents filed in a patent application that may contribute to identity theft. Personal information such as social security numbers, bank account numbers, or credit card numbers (other than a check or credit card authorization form PTO-2038 submitted for payment purposes) is never required by the USPTO to support a petition or an application. If this type of personal information is included in documents submitted to the USPTO, petitioners/applicants should consider redacting such personal information from the documents before submitting them to the USPTO. Petitioner/applicant is advised that the record of a patent application is available to the public after publication of the application (unless a non-publication request in compliance with 37 CFR 1.213(a) is made in the application) or issuance of a patent. Furthermore, the record from an abandoned application may also be available to the public if the application is referenced in a published application or an issued patent (see 37 CFR 1.14). Checks and credit card authorization forms PTO-2038 submitted for payment purposes are not retained in the application file and therefore are not publicly available.

*J. B. Kraft*  
\_\_\_\_\_  
Signature

*5/13/08*  
\_\_\_\_\_  
Date

*J. B. KRAFT, ATTORNEY*  
\_\_\_\_\_  
Typed or printed name

*19,226*  
\_\_\_\_\_  
Registration Number, if applicable

*710 Colorado St #5C*  
\_\_\_\_\_  
Address

*(512) 473-2303 or (512) 567-4732*  
\_\_\_\_\_  
Telephone Number

*AUSTIN TX. 78701 \**  
\_\_\_\_\_  
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☒ Additional sheets containing statements establishing unintentional delay

☐ Other: \_\_\_\_\_

*\* ALL correspondence should be directed to*

*Justin Dillon, IPLAW DEPT  
IBM Corp (Customer No. 32,329)  
11400 Burnet Rd.  
AUSTIN TX. 78758*

**CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]**

I hereby certify that this correspondence is being:

☐ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office at (571) 273-8300.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Signature

\_\_\_\_\_  
Typed or printed name of person signing certificate

PATENT

10/042,107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2171  
: Examiner C. L. Nguyen  
Margaret G. MacPhail :  
Serial No: 10/042,107 : Customer No.32,329  
Filed: 01/08/2002 : Confirmation No. 6316  
Title: A NETWORK DATABASE :  
SYSTEM FOR PROVIDING DATABASE :  
OUTPUT IN A PLURALITY OF :  
STRINGS OF SEQUENTIAL DATA :  
SEGMENTS THROUGH A USER :  
INTERFACE WITH DIMENSIONS :  
LIMITING THE DATA CAPACITY OF :  
EACH SEGMENT  
Date: 5/14/08 :

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

STATEMENT (ITEM 4) ACCOMPANYING PETITION FOR REVIVAL FOR  
PATENT APPLICATION ABANDONED UNINTENTIONALLY 37CFR1.137(b)

I, Barbara Rogers, am an administrator in the IPLaw  
Department of IBM Corporation, 11400 Burnet Rd., Austin TX.  
78758.

In late April, 2008, our Administrative Manager Maryann  
Luisi had a task survey done on the workload of Robin  
Zelent, a former Administrator in our IPLaw Department, who  
left our IPLaw Department in mid 2007 after a long illness  
with limited and sporadic work attendance. The survey  
uncovered a Notification of a Non-Compliant Appeal Brief  
dated December 14, 2006, the receipt of which was recorded  
in the IPLaw Department but nothing further was done.

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Upon this discovery, I advised J. B. Kraft, the outside our Department Attorney, responsible for this Application of the above facts, on April 22, 2008, and I proceeded to look into the surrounding facts so that we could make the present Petition to Revive. Shortly thereafter, we received the Notice of Abandonment dated May 1, 2008.

Supplementing the above facts, on information and belief, I found the following. All letters and communications addressed to the IPLaw Department, in Austin Texas are routinely entered to the IBM IPLaw records database and assigned to the appropriate administrators for attorneys responsible for handling the particular communication which in this case was J. B. Kraft.

Because of Ms Zelent's sporadic attendance, it is unclear from our records whether the Notification of the Non-Compliant Brief was handled by Ms Zelent or one of the other administrators in the IPLaw Department who were periodically filling for Ms Zelent. However, what is clear from our files is that the Notification was never sent to J. B. Kraft, Attorney. I have been in contact with Mr. Kraft, and been advised by him that he never received the Notification as will be set forth in his accompanying Statement.

Barbara Rogers, dated 5/14/08  
Barbara Rogers

IPLaw Dept.  
IBM Corporation  
Austin Texas

AUS920010596US1

PATENT  
10/042,107

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: : Group Art Unit: 2171  
: Examiner C. L. Nguyen  
Margaret G. MacPhail :  
Serial No: 10/042,107 : Customer No.32,329  
Filed: 01/08/2002 : Confirmation No. 6316  
Title: A NETWORK DATABASE :  
SYSTEM FOR PROVIDING DATABASE :  
OUTPUT IN A PLURALITY OF :  
STRINGS OF SEQUENTIAL DATA :  
SEGMENTS THROUGH A USER :  
INTERFACE WITH DIMENSIONS :  
LIMITING THE DATA CAPACITY OF :  
EACH SEGMENT  
Date: 05/13/08 :

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Alexandria, VA 22313-1450

STATEMENT (ITEM 4) ACCOMPANYING PETITION FOR REVIVAL FOR  
PATENT APPLICATION ABANDONED UNINTENTIONALLY 37CFR1.137(b)

I, J. B. Kraft, Reg. No. 19,226, 710 Colorado, #5C, Austin, TX. 78701, am the Outside of the IPLaw Department Attorney responsible for the filing and prosecution of the present Patent Application,

I routinely handle the filing and prosecution of many patent applications for the IBM IPLaw Department, Austin Texas.

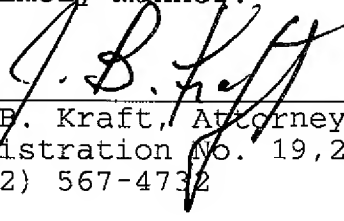
With respect to communications from the Unites States Patent Office received at the IBM IPLaw Department, Austin Texas, as described in the accompanying Statement of Ms Barbara Rogers, such communications are recorded in the IBM IPLaw Department, and then forwarded to me. I then record

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such communications, and set up the appropriate dates for timely response in my calendar.

My files and records indicate that I never received the Notification of Non-Compliant Appeal Brief dated 12/14/2006.

Upon discovery of our failure to respond, we ascertained the facts herein, and prepared this Petition in a timely manner.

 , dated 05/13/08  
J. B. Kraft, Attorney  
Registration No. 19,226  
(512) 567-4732